

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

FRANCIS DAVID SHERMAN,

Defendant.

)
)
) Case No. 1:10CR00039
)

) **ORDER**
)

) By: James P. Jones
) United States District Judge
)

On February 11, 2014, I dismissed defendant Francis David Sherman's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. *United States v. Sherman*, No. 1:01CR00039, 2014 WL 550553 (W.D. Va. Feb. 11, 2014). The docket reflects that Sherman acknowledged the dismissal nearly a year later in January 2015. (ECF No. 171.) On February 3, 2015, Sherman filed a Motion to Reopen the 60 Day Time Limit to File a Notice of Appeal Pursuant to Rule 60(b) of Federal Rules of Civil Procedure" (ECF No. 172). In accordance with Federal Rule of Civil Procedure 77(d)(2) and Federal Rule of Appellate Procedure 4(a)(6), it is hereby **ORDERED** that Sherman's Motion to Reopen (ECF No. 172) must be DENIED as untimely filed.

ENTER: July 15, 2015

/s/ James P. Jones

United States District Judge